

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DOUGLAS SEARSON, Individually, and on
Behalf of All Others Similarly Situated, et al.,

Plaintiffs,

-against-

CONCORD MORTGAGE CORP.,

Defendant.

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HURLEY, Senior District Judge:

Presently before the Court are Plaintiffs' motions to amend their Complaint and for conditional certification as a Fair Labor Standards Act ("FLSA") collective action. On April 24, 2009, the Court referred Plaintiffs' motion to Magistrate Judge Arlene R. Lindsay for a Report and Recommendation. On August 31, 2009, Judge Lindsay issued a Report and Recommendation (the "Report") recommending that the Court: (1) grant Plaintiffs' motion to amend the Complaint; (2) grant Plaintiffs' motion to conditionally certify this case as a collective action pursuant to 29 U.S.C. § 216(b) as to Concord's part-time and full-time mortgage consultants; (3) permit Plaintiffs to provide amended notice to all part-time and full-time mortgage consultants employed by Concord from three years prior to the notice to the present; and (4) direct Concord to provide a computer-readable data file containing the names, addresses, and telephone numbers of the potential opt-in plaintiffs. More than ten days have elapsed since service of the Report, and neither party has filed any objections to it.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report for clear error, and finding none, now concurs in both its reasoning and its result.

ORDER

07-CV-3909 (DRH) (ARL)

Accordingly, this Court adopts the August 31, 2009 Report and Recommendation of Judge Lindsay as if set forth herein. Plaintiffs' motions to amend their Complaint and for conditional certification as a FLSA collective action are GRANTED to the extent set forth above and in Judge Lindsay's thorough Report.

SO ORDERED.

Dated: Central Islip, N.Y.
September 24, 2009

/s/

Denis R. Hurley,
United States District Judge